

Karl Berberian, a partnership, Modesto, Calif., and Karl Berberian and Haig G. Berberian, partners.

ALLEGED SHIPMENT: On or about January 21, February 25, and March 7, 1946, from the State of California into the State of Washington.

LABEL, IN PART: "Kay-Bee KB Brand California Shelled Walnuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 22, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of \$75 on each of the 3 counts of the information against each individual defendant, and a fine of \$1 on each of the 3 counts against the partnership.

11818. Adulteration of shelled walnuts. U. S. v. Walter Granton (Granton Nut Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 20972. Sample No. 47417-H.)

INFORMATION FILED: December 5, 1946, Southern District of California, against Walter Granton, trading as the Granton Nut Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about November 10, 1945, from the State of California into the State of Utah.

LABEL, IN PART: "California Shelled Walnuts Special Amber."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy walnut meats.

DISPOSITION: February 10, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$400.

11819. Adulteration of black walnut kernels. U. S. v. George F. Block (Block Bros.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 20442. Sample Nos. 14263-H, 18292-H, 25012-H, 52621-H.)

INDICTMENT RETURNED: July 24, 1946, Middle District of Tennessee, against George F. Block, trading as Block Bros., Nashville, Tenn.

ALLEGED SHIPMENT: Between the approximate dates of December 3 and December 14, 1945, from the State of Tennessee into the States of Ohio, Iowa, Louisiana, and Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of rodent hair fragments, insect fragments, and an organism indicating pollution of fecal origin, *Escherichia coli*.

DISPOSITION: October 9, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each count, a total fine of \$200.

11820. Adulteration of Kernel Krush peanut spread. U. S. v. Mosemann Co. and Paul F. Mosemann. Pleas of nolo contendere. Partnership fined \$25; individual defendant fined \$1. (F. D. C. No. 21497. Sample Nos. 15862-H, 15863-H, 63318-H.)

LABEL FILED: December 17, 1946, Eastern District of Pennsylvania, against the Mosemann Co., a partnership, Lancaster, Pa., and Paul F. Mosemann, a partner.

ALLEGED SHIPMENT: On or about February 12, 1945, and February 28, 1946, from the State of Pennsylvania into the States of Michigan and New York.

LABEL, IN PART: "Kernel Krush The New Peanut Spread * * * Mosemann Company" or "Kernel Krush Sweet Life Distributed by Sweet Life Food Corporation Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of dirt, and it was otherwise unfit for food by reason of the presence of stones or stems, or both.

DISPOSITION: February 17, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed fines of \$25 against the partnership and \$1 against the individual.

11821. Adulteration of peanut butter. U. S. v. The Geo. E. Pellens Co. Plea of guilty. Fine, \$300. (F. D. C. No. 20968. Sample No. 53305-H.)

INFORMATION FILED: November 7, 1946, Southern District of Ohio, against the Geo. E. Pellens Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about May 17, 1946, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: "Rayo Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 13, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

OILS AND FATS*

11822. Adulteration and misbranding of olive oil. U. S. v. Frank Scappatura. Plea of nolo contendere. Defendant fined \$1,000 and placed on probation for 1 year. (F. D. C. No. 21443. Sample No. 59298-H.)

INFORMATION FILED: January 29, 1947, Northern District of California, against Frank Scappatura, San Francisco, Calif.

ALLEGED SHIPMENT: On or about April 20, 1946, from the State of California into the State of Oregon.

LABEL, IN PART: "Frank Scappatura * * * Olive Oil To Tony Gatto * * * Portland, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), cottonseed oil had been substituted in whole or in part for olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Olive Oil" was false and misleading.

DISPOSITION: March 31, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$1,000 and placed him on probation for a period of 1 year.

11823. Adulteration of wine dressing. U. S. v. 16 Cases * * *. (F. D. C. No. 20034. Sample No. 70440-H.)

LIBEL FILED: On or about June 12, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 20, 1946, by the Barra Co., from Los Angeles, Calif.

PRODUCT: 16 cases, each containing 24 1-pint bottles, of wine dressing at Kansas City, Mo. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Barra's Burgundy Wine Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 15, 1946. Default decree of destruction.

11824. Adulteration and misbranding of lard. U. S. v. 4 Barrels, etc. (F. D. C. No. 20764. Sample No. 1665-H.)

LIBEL FILED: August 27, 1946, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 19, 1946, by Rosario Faraome, of St. Clair, Pa., from Shamokin, Pa.

PRODUCT: 4 400-pound barrels and 143 50-pound cans of lard at Raleigh, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of lard and beef tallow had been substituted in whole or in part for lard, which the article was represented to be.

Misbranding, Section 403 (b), the article was a mixture of lard and tallow and was offered for sale as lard; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight or measure; and, Section 403 (i) (2), it was fabricated from two or more ingredients, lard

*See also No. 11825.